

**20A-4-402 Election contests -- Grounds.**

- (1) The election or nomination of any person to any public office, and the declared result of the vote on any ballot proposition or bond proposition submitted to a vote of the people may be contested according to the procedures established in this part only:
  - (a) for malconduct, fraud, or corruption on the part of the judges of election at any polling place, or of any board of canvassers, or any judge or member of the board sufficient to change the result;
  - (b) when the person declared elected was not eligible for the office at the time of the election;
  - (c) when the person declared elected has:
    - (i) given or offered to any registered voter, judge, or canvasser of the election any bribe or reward in money, property, or anything of value for the purpose of influencing the election; or
    - (ii) committed any other offense against the elective franchise;
  - (d) when illegal votes have been received or legal votes have been rejected at the polls sufficient to change the result;
  - (e) for any error of any board of canvassers or judges of election in counting the votes or declaring the result of the election, if the error would change the result;
  - (f) when the election result would change because a sufficient number of ballots containing uncorrected errors or omissions have been received at the polls;
  - (g) when the candidate declared elected is ineligible to serve in the office to which the candidate was elected;
  - (h) when an election judge or clerk was a party to malconduct, fraud, or corruption sufficient to change the result of the election; and
  - (i) for any other cause that shows that another person was legally elected.
- (2) Any irregularity or improper conduct by the election judges does not void an election unless the irregularity or improper conduct would result in the election of a person who did not receive the highest number of legal votes.
- (3) When any election held for any office is contested because of any irregularity or improper conduct on the part of a judge of any voting precinct, a court, upon proof of the irregularity or improper conduct may not set aside the election unless the irregularity or improper conduct would change the result for that office.

Amended by Chapter 105, 2005 General Session